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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/508,912	09/23/2004	Bernard Grehan	92936	8162
24628	7590	05/29/2008		
WELSH & KATZ, LTD 120 S RIVERSIDE PLAZA 22ND FLOOR CHICAGO, IL 60606			EXAMINER	
			NGUYEN, NAM V	
			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/508,912

Applicant(s)

GREHANT, BERNARD

Examiner

Nam V. Nguyen

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10 and 12-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10 and 12-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This communication is in response to applicant's Amendment which is filed February 1, 2008.

An amendment to the claims 10 and 17 has been entered and made of record in the application of Grehan for "remote control device for an actuator" filed September 23, 2004.

Claims 10 and 12-18 are now pending in the application.

Response to Arguments

Applicant's arguments with respect to claims 10 and 12-18, filed February 1, 2008 have been fully considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 16 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 16 recites the limitation "the executable program" in line 2. There is insufficient antecedent basis for this limitation in the claim.

"the executable program" should be "the processing program".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 10, 12-15 and 17-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Rein et al. (US# 5,390,206).

Referring to claim 10, Rein et al. discloses a wireless communication system for air distribution system as recited in claims 10 and 12-18. See Figures 1-24 and respective portions of the apparatus and method.

Rein et al. disclose a wireless communication system (32) for remotely controlling a control damper (74) or a load (406) (i.e. a variable speed fan, an air conditioning unit, a light or other similar devices) (column 10 lines 39 to 54; see Figures 6 to 10 and 24), the system comprising:

A control receiver (66) and a controller (68) (i.e. a processing unit) (column 12 lines 39 to 65; see Figures 4 and 24);

A zone sensor (58) or a personal zone sensor (110) (i.e. a command transmitter) (column 8 lines 39 to 62; column 9 lines 6 to 20; see Figures 1-4 and 21-22);

The wireless communication system (32) being configured to transfer to the control receiver (66) from the zone sensor (58) via a transmitter (65) a data packet (i.e. a processing program) directly executable by the control receiver (66) that alters how the controller (68) operate the control damper (74) or the load (406); said data packet (i.e. a processing program) being stored in the zone sensor (58) in a form directly executable by the controller (68) (column 9 lines 57 to 66; column 12 line 56 to column 13 line 2; column 21 lines 5 to 34; see Figures 6 and -10 and 21-24).

Referring to Claim 12, Rein et al. disclose the system according to claim 10, wherein the control receiver (66) and a controller (68) (i.e. the processing unit), a TX transmitter (65) of a zone sensor (58) (i.e. a radio transmitter), and the load (406) (i.e. the actuator) define a communication, processing unit and actuation unit, said radio transmitter configured to communicate in a reception mode and in a transmission mode with any radio frequency device sharing the same the same transmission protocol (column 26 lines 67 to column 27 to line 10; see Figures 4-7 and 21-24), wherein the communication, processing and actuation unit is configured to receive, store, and execute data packet (i.e. the processing program) (column 21 lines 5 to 61).

Referring to Claim 13, Rein et al. disclose the system according to claim 12, wherein the control receiver (66) and a controller (68) comprises a data controller (362) and a controller logic (404) (i.e. a microprocessor) which executes data packet (i.e. program) contained in a memory

(364) (i.e. a program memory) having at least one reprogrammable portion (column 19 lines 52 to 66; see Figures 12-13 and 23-24).

Referring to Claims 14-15, Rein et al. disclose the system according to claim 13, wherein a memory (408) (i.e. a non-erasable program memory) contains a storage area configured to store at least one code segment relating to the type of hardware installed in the processing unit (68) (column 10 lines 51 to 61; column 23 line 58 to column 24 line 2; see Figure 24).

Referring to Claims 17-18, Rein et al. disclose the method, to the extent as claimed with respect to claim 10 above, and the method including: a zone sensor identification code (190) or a personal zone sensor identification code (220) (i.e. the identification code) being stored in memory (408) (i.e. an electrically reprogrammable memory) of the controller (68) (i.e. the processing unit) (column 12 lines 21 to 68; see Figures 6, 9, 13 and 19-24).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rein et al. (US# 5,390,206) as applied to claim 10 above, and in view of McNair et al. (US# 5,595,342).

Referring to claim 16, Rein et al. disclose the system according to claim 10, however, Rein et al. did not explicitly disclose wherein the command transmitter includes a two-way transmitter.

In the same field of endeavor of control communication system, McNair et al. teach that a hand held control includes a two-way transmitter (column 6 lines 43 to 57; see Figures 8 and 12) in order to obtain the status of detect confirmation of receipt signal from the main control centre.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to recognize the need for a zone sensor to have a transceiver or receiver to receive status information from the main control centre taught by McNair et al. in a personal zone sensor to indicate status of the control data packet send to the controller of Rein et al. because using a bidirectional communication using the transceiver to receive status information from the controller would improve indication of the control signal transmitted in a wireless communication system.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Umemoto (US# 5,479,148) discloses a remote controller for security system.

Seki et al. (US# 5,844,496) disclose a signal generation method and structure for a transmission and reception system.

Bruwer (US# 6,166,650) discloses a secure self learning system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nam V Nguyen whose telephone number is 571-272-3061. The examiner can normally be reached on Mon-Fri, 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Zimmerman can be reached on 571- 272-3059. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Nam V Nguyen/
Examiner, Art Unit 2612

/Brian A Zimmerman/
Supervisory Patent Examiner, Art Unit 2612